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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/707,437 | 12/14/2003 | DAVID LIANG MABBUTT | DMABB05F | 1436 |
| 33310 | 7590 | 12/02/2005 | EXAMINER | |
| EDWIN A. SKOCH II 67 WALL STREET, 22ND FLOOR PMB#0029 NEW YORK, NY 10005-3198 | | | ART UNIT | PAPER NUMBER |

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

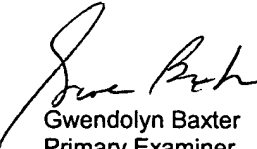
| | | | |
|--|--------------------------------------|---|--|
| Notification of Non-Compliant Appeal Brief (37 CFR 41.37) | Application No. 10/707,437 | Applicant(s) MABBUTT, DAVID LIANG | |
| | Examiner Gwendolyn Baxter | Art Unit 3632 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 02 September 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):


 Gwendolyn Baxter
 Primary Examiner
 Art Unit: 3632

This is the third Office action for serial number 10/707,437, Improved Mouse Pad, filed December 14, 2004.

Notification of Non-compliant Appeal Brief

The appeal brief is defective for the following reasons:

1. Applicant failed to provide the following headings: "Evidence Appendix" and "Related Proceeding Appendix." Please note if there is no evidence or related decisions being submitted, then under each heading should be included with the indication "none".
2. Status of Claims- Applicant fails to identify each claim on appeal.
3. Status of Amendment- Applicant has not formally submitted an amendment after the final rejection made by the examiner of record.
4. Summary of Claimed Subject Matter- Applicant failed to provide a concise explanation of the subject matter defined in each of the independent claims involved in the appeal which must refer to the specification by page and line number and to the drawings, if any by reference characters.
5. Grounds of the Rejection- Applicant should only present claims applicant intends to be reviewed. A concise statement of each ground of rejection must be presented. For example, the statement may read "Whether claim 1 are unpatentable under 35 USC 102 over Gillespie."
6. Argument- Claims 10 and 14 are stated not to be on appeal but arguments have been provided.

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7. Claim Appendix- Applicant should include only claims involved in the appeal.

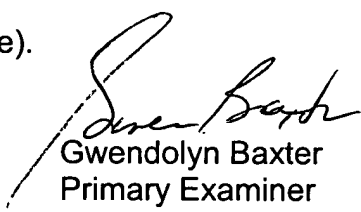
Therefore, claims 10, 11 and 14 should not be included.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gwendolyn Baxter
Primary Examiner
Art Unit 3632

November 26, 2005